

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NATIONWIDE FIRE INSURANCE CO.,  
a/s/o DAVID CHOTAN,

Plaintiff,

-against-

GREAT NECK PLUMBING & HEATING, INC.,  
and SAFEGUARD GAS HEAT INC.,

Defendants.  
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**ORDER**  
CV 05-2767 (LDW) (ARL)

**LINDSAY, Magistrate Judge:**

Before the court is defendant Great Neck Plumbing and Heating, Inc.'s renewed application dated September 12, 2006 requesting that the court so order a subpoena commanding a non-party, Robert Bender, to appear for deposition. The plaintiff joins in the application. By order dated September 6, 2006, the undersigned directed that the defendant include a proposed subpoena for the court to so order in its renewed application. Defendant has not done so. The defendant is again directed to submit a proposed subpoena for the court.

Defendant has also requested that the court schedule a conference to address both the possible settlement of this matter as well as the plaintiff's obligation to disclose its expert witness on the issue of damages. A final conference is presently scheduled for October 12, 2006 at 11:00 a.m. The court will explore settlement of this matter at this conference. To the extent either party wishes to rely on expert testimony, they are referred to Federal Rule of Civil Procedure 26(a)(2) governing the disclosure of expert witnesses as well as the local rules of this court. The failure to follow the provisions of Rule 26 will lead to the preclusion of expert testimony at trial. The parties are again reminded that Judge Wexler requires that his cases be ready for trial within one year of filing. Consistent with Judge Wexler's requirements, all discovery in this matter, including expert discovery, was to have been completed by September

12, 2006. That date is extended to September 26, 2006 for the limited purpose of conducting the deposition of Robert Bender.

Dated: Central Islip, New York  
September 13, 2006

**SO ORDERED:**

/s/  
ARLENE ROSARIO LINDSAY  
United States Magistrate Judge